

**FILED**  
Clerk  
District Court

**NOV 14 2006**

For The Northern Mariana Islands  
By \_\_\_\_\_  
(Deputy Clerk)

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN MARIANA ISLANDS

LI YING HUA, LI ZHENG ZHE,  
and XU JING JI,

Plaintiffs

v.

JUNG JIN CORPORATION, a  
Commonwealth of the Northern  
Mariana Islands Corporation; ASIA  
ENTERPRISES, a Commonwealth of  
the Northern Mariana Islands  
Corporation; PARK HWA SUN; and,  
KIM HANG KWON,

Defendants

Civil Action No. 05-0019

ORDER DENYING WITHOUT  
PREJUDICE PLAINTIFFS'  
MOTION FOR WRIT OF  
EXECUTION

THE COURT declines without prejudice plaintiffs' ex parte motion for a writ of execution, having determined that the relief it seeks is in some aspects premature and in others too broad.

1 The court is concerned that no judgment debtor examination has yet been  
2 sought or held. Although such an examination is not a prerequisite to issuance of a  
3 writ of execution, such an examination might well result in plaintiffs' acquiring the  
4 information which they seek through the writ. To the extent that plaintiffs are  
5 concerned that the prospect of such an examination would encourage defendants to  
6 hide their assets, they may employ both federal and Commonwealth law to identify  
7 assets held by banks. *See e.g.* 4 N.Mar.I. Code §6453-6454 and 12 U.S.C. § 3401 et  
8 seq.  
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11 Also, the court generally will issue a writ of execution to seize property which  
12 has been described with some particularity and for which a location has been  
13 ascertained. The court will not issue a writ, the execution of which might violate the  
14 Fourth Amendment in regards to entry into a residence for purposes of seizing  
15 whatever might be found there of value.  
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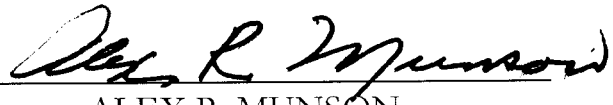
18 Further, once property has been seized, the duty of the U.S. Marshal extends  
19 no further than to protect the property pending a public sale and to publish notice of  
20 that sale. It is counsel's duty to undertake the other tasks mentioned in the writ in its  
21 current form, such as personal notification to potential lienholders.  
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24 The court is well aware of its power and duty to enforce its judgments, but the  
25 writ of execution in its current form is overbroad and vague, and seeks to impose  
26 upon the court and the U.S. Marshal tasks which are more properly those of plaintiffs

1 and their attorney. For that reason, the court will not approve the writ of execution  
2 in its present form.

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4 IT IS SO ORDERED.

5 DATED this 14th day of November, 2006.  
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10 ALEX R. MUNSON

11 Judge  
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